

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOB CREATORS NETWORK,)
)
)
Plaintiff,)
)
v.)
)
OFFICE OF THE COMMISSIONER OF)
BASEBALL D/B/A MAJOR LEAGUE)
BASEBALL, <i>ET AL.</i> ,)
)
)
Defendants.)
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21-cv-_____

DECLARATION OF ALFREDO ORTIZ

Alfredo Ortiz, being over the age of eighteen, hereby declares:

1. I am the president and CEO of Job Creators Network (“JCN”), a not-for-profit organization registered under section 501(c)(4) of the Internal Revenue Code. I submit this declaration in support of JCN’s motion for a preliminary injunction.

2. In July 2019, Defendant Robert D. Manfred Jr., the Commissioner of Baseball, on behalf of Major League baseball (“MLB”) announced that the 2021 All-Star game would be played at SunTrust Park, now called Truist, Park, in Cobb County, Georgia, a county in the greater Atlanta metropolitan area.

3. Like other marquee sports events, the All-Star game has grown over the years into a multi-day attraction that extends well beyond the game itself. Two days before the main event, the All-Star Futures game is played, featuring top minor-league prospects. One day before the game, the popular Home Run Derby is held, featuring many of the baseball’s top sluggers.

4. On March 26, 2021, Georgia Governor Brian Kemp signed into law the Election Integrity Act.

5. On April 2, 2021, MLB announced that it was moving the game from Atlanta. Commissioner Manfred publicly stated: “I have decided that the best way to demonstrate our values as a sport is by relocating this year's All-Star game. Major League Baseball fundamentally supports voting rights for all Americans and opposes restrictions to the ballot box.”

6. On April 6, 2021, MLB announced that the All-Star game would be played at Coors Field in Denver, Colorado. The game is scheduled for July 13, 2021.

7. JCN is a nonpartisan organization whose mission is to educate employees of Main Street America, in order to protect the 85 million people who depend on the success of small businesses. JCN provides its members with the tools to become the voice of free enterprise in the media, in Congress, in state capitals, in their communities, and their workplaces – allowing them to hold policymakers and politicians accountable to job creators and their employees. When JCN members suffer injury due to bad public policy, JCN amplifies their stories in the media to educate policymakers and the public about the significant consequences of bad public policy in an attempt to rectify it.

8. JCN supports over 30 million small businesses nationwide, with over 10,000 members in Georgia. JCN’s members include over 3,600 small business owners and individual supporters in the Atlanta metro area. Some of these businesses are going to suffer substantial losses if the All-Star game is not immediately reinstated in Truist Park. According to the U.S. Census Bureau, Atlanta is 51% black, while Denver is only 9% black. U.S. Census Bureau data also indicates that there are roughly 7.5 times more black-owned small businesses in Georgia than Colorado.

9. Businesses affected by the loss of the game include those in the Atlanta metro area leisure and hospitality and bar and restaurant sectors. Specifically, they include Gus Tselios, owner of Marietta Diner; Sandra Cook, owner of Catered Southern Events; and Darrell Anderson, the black owner of a limousine business. These businesses lost out on increased revenue associated with Atlanta's hosting of the game. Some businesses had already made investments to take advantage of the opportunity. For instance, Gus Tselios had created a special All-Star game menu that he has now had to shelve.

10. The Cobb County Travel and Tourism Bureau estimates that MLB's decision to move the All-Star game will cost local businesses more than \$100 million in lost business. The 2019 All-Star game in Cleveland was estimated to have generated \$65 million in economic activity. The 2013 game in New York City was estimated to have created \$191.5 million in revenue.

11. The cancellation of the All-Star game has also caused direct damage to JCN. Since MLB's announcement to move the All-Star game on April 2, 2021, JCN has had to divert resources to address the grave harm to its Atlanta-area members. JCN also incurred additional expenses including posting multiple billboard signs in New York's Times Square and advertising in *The New York Times*. It has also been required to divert personnel from its fundraising efforts resulting in lower receipts. Together, these costs exceed \$1.6 million.

12. The harm to JCN's members is ongoing. Follow-on events scheduled for after the All-Star game such as conventions and other events have been canceled because of the decline in Atlanta tourism. For instance, Will Smith pulled the filming of his latest movie from Georgia.

13. The unjustified stigma and racial bias associated with MLB's stated reason of canceling the All-Star game, viz, that Georgia has passed a racist and biased election law, has

caused consumers and businesses to rethink or outright cancel their interest in holding events or conducting business in Georgia. This has resulted in incalculable additional losses and costs for businesses trying to lure customers to Georgia. For instance, as a result of Will Smith pulling his movie, the local Georgia film industry, including some crew members from Alienworx in Savannah, have lost out on employment opportunities.

I declare, under the penalty of perjury, that the foregoing is correct.

Dated: May 31, 2021

A handwritten signature in black ink, appearing to read "Alfredo Ortiz", written in a cursive style.

Alfredo Ortiz